

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-8 and 10-53 are pending in the application, with claims 1, 24 and 42 being the independent claims. Claim 9 is sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Claims 1, 10, 11 and 31 are sought to be amended.

The amendment to claim 1 incorporates preferred vegetable oil fatty acid esters as starting materials. Support for this amendment can be found in original claim 9, and in the specification at ¶ 0022, stating that preferred esters are those derived from vegetable oils, and ¶ 0024, listing the specific vegetable oils now incorporated into amended claim 1. Claim 1 has also been amended to more clearly convey the process of the invention. This aspect of the amendment merely makes explicit that which was implicit in the original claim. Support for this amendment can be found in ¶ 0019.

Amendments to claims 10 and 11 merely change the dependency of these claims from now canceled claim 9 to amended claim 1.

The amendment to claim 31 is to correct an obvious clerical omission. The amendment merely adds the term "oil" after the term vegetable.

These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejection under 35 U.S.C. § 102

Claims 1 and 17-21 were rejected under 35 U.S.C. § 102(b) as being anticipated by DE-10121866 (the '866 patent). *See* Office Action, page 2, ¶ 2. The Examiner states that the '866 teaches the preparation of light colored fatty acid polyol esters wherein transesterification takes place between a fatty acid ester and polyol (glycerin) in the presence of a catalyst and borohydride.

In the interest of furthering prosecution, and without acquiescing to any reasoning made by the Examiner in rejecting claims 1 and 17-21, Applicant has amended claim 1 to include specific vegetable oil fatty acid C₁₋₅ alkyl esters that were listed in original claim 9. Because the Examiner has indicated that original claim 9 is allowable, amended claim 1, incorporating all the limitations of original claim 9, is likewise neither anticipated nor fairly suggested by the '866 patent. Claims 17-21 incorporate the limitations of amended claim 1, and, therefore, these claims are neither anticipated nor fairly suggested by the '866 patent. Thus, Applicant respectfully requests that the Examiner withdraw the rejection and allow claims 1 and 17-21.

Allowable Subject Matter

a. Allowed claims

Applicant gratefully acknowledges the Examiner's indication that claims 24-53 are allowed. *See* Office Action, page 2, ¶ 3.

b. Claim Objection

Claims 2-16, 22 and 23 were objected to as being dependent upon a rejected base claim. *See* Office Action, page 2, ¶ 4. Applicant asserts that claims 2-8, 10-16, 22 and 23 are allowable in view of the amendment to claim 1, and the dependency of claims 2-8, 10-16, 22 and 23 on claim 1 as a base claim. Thus, Applicant respectfully requests that the Examiner withdraw the objection and allow claims 2-8, 10-16, 22 and 23.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read 'B. Skelton', is written over the printed name.

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